

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GOBIND SINGH, M.D., Ph.D.,)	
)	
Plaintiff,)	
)	NO. 3:17-cv-00400
v.)	
)	JUDGE RICHARDSON
VANDERBILT UNIVERSITY MEDICAL)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

Federal Rule of Civil Procedure 41(b) states that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” A district court may dismiss an action *sua sponte* for failure to comply with a court order under Rule 41(b). *Cornett v. Dobson*, 338 F.R.D. 97, 99 (E.D. Ky. 2021); *see also Carter v. City of Memphis*, 636 F.2d 159, 161 (6th Cir. 1980) (“It is clear that the district court does have the power under Rule 41(b), Fed. R. Civ. P., to enter a *sua sponte* order of dismissal.”). District courts are to consider the following factors when determining whether dismiss under Rule 41(b) is appropriate:

(1) whether the party’s failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party’s conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered.

Cornett, 338 F.R.D. at 97. “[D]istrict courts have substantial discretion in discerning whether dismissal [pursuant to Rule 41(b)] is appropriate.” *Lay v. Altrichter*, No. 6:20-CV-18-REW-HAI, 2020 WL 2843345, at *4 (E.D. Ky. June 1, 2020) (citation and quotation marks omitted). A

dismissal for failure to prosecute under Rule 41(b) constitutes an adjudication on the merits unless the dismissal order states otherwise. Fed. R. Civ. P. 41(b). *Carter*, 636 F.2d at 161.

For the reasons stated on the record during the telephonic conference call held on March 18, 2022, the Court finds that each of the above-stated factors heavily favor dismissal of this case pursuant to Rule 41(b) due to Plaintiff's failure to comply with this Court's orders. Accordingly, as stated on the record during the conference call, this case is hereby DISMISSED with prejudice pursuant to Rule 41(b), and the Clerk is directed to close the file. This Order shall constitute final judgment for purposes of Fed. R. Civ. P. 58.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE